

# INFORMATION BULLETIN

## WORKFORCE INVESTMENT ACT

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TO: LOCAL WORKFORCE INVESTMENT AREAS  
CHIEF ELECTED OFFICIALS  
CALIFORNIA WORKFORCE INVESTMENT BOARD STAFF  
WID STAFF

SUBJECT: ELIGIBLE TRAINING PROVIDER LIST POLICY HIGHLIGHTS

The purpose of this information bulletin is to advise the workforce investment community of key provisions in the Eligible Training Provider List (ETPL) policy approved by the California Workforce Investment Board (State Board) on June 26, 2001 and to provide a target time for release of the Directive on this subject. The policy includes changes to the initial eligibility requirements and specifies performance criteria and time frames that will be used to determine the subsequent eligibility of training providers and programs that have been on the State's ETPL for 18-24 months.

The Workforce Investment Division (WID) has developed a draft directive that includes detailed procedures required to implement the new ETPL policy. The draft is currently being circulated for internal review by technical staff and will be issued to the workforce investment community within the next week. In the interim, this information bulletin is being issued in an effort to respond to numerous inquiries that we have received from local areas and interested partners. Key provisions of the new policy are provided below.

### Changes to the Policy for Initial Eligibility

Under the new policy, the same program offered in multiple locations will not be considered unique unless the regulatory agency for the program uses location as a factor in defining a unique program. This will eliminate the need for multiple applications to be submitted for the same program offered in different locations, thereby reducing the workload associated with the application process.

The new policy also requires all programs to be legally authorized to operate in the State. This means that all private training programs must be approved, registered or exempted by the Bureau of Private Postsecondary and Vocational Education (BPPVE). The initial eligibility categories of "employer-support," "industry authorized," and "demonstrated effectiveness" will no longer be used to determine the initial eligibility of programs under the new policy. Programs that were originally approved under these categories will be allowed to remain on the list if they meet the subsequent eligibility requirements. However, no new programs may be approved for listing on this basis once the final policy becomes effective.

### Time Frames for Determining Subsequent Eligibility

The policy requires programs to be determined subsequently eligible to remain on the ETPL within 18-24 months from the date of their initial listing. Determinations will be made on a quarterly basis beginning with the programs listed in the July-September 2000 quarter, as indicated in the table below.

**Time Frames for Determining Subsequent Eligibility**

<b>Quarter of Initial Listing on ETPL</b>	<b>First Subsequent Eligibility Determination</b>
July-September 2000	January-March 2002
October-December 2000	April-June 2002
January-March 2001	July-September 2002
April-June 2001	October-December 2002

Local areas are encouraged to solicit applications from providers and complete the determination process as early in the quarter as possible. However, the final deadline for completing determinations of subsequent eligibility in each quarter and reporting the results to the State will be the last day of the quarter. For example, determinations for the programs initially listed in the July-September 2000 quarter must be completed and reported to WID no later than March 31, 2002.

### Subsequent Eligibility Performance Criteria

The first determinations of subsequent eligibility will not require local areas to collect social security numbers from providers for all students participating in their programs. It is anticipated that the collection of seed data<sup>1</sup> for base wage record matching will begin in January 2003. The delay in implementing this requirement is necessary to allow sufficient time for the State to expand the capacity of the automated Performance-Based Accountability system to handle the volume of data that will be required to perform this function. Once the PBA system has been modified, new data collection procedures will be issued.

Subsequent eligibility determinations made during January-December 2002 will be based on the program completion rate and the entered employment rate for all students participating in a program. Programs will be required to report the outcomes for these measures along with the average wage at placement for all students if it is available. The placement wage will be published on the list if it is reported but it will not be used to determine a program's eligibility to remain on the ETPL during this initial determination period. The WID will provide performance outcome data for the measures that apply to WIA clients in each program. These include the completion rate, entered employment

<sup>1</sup> "Seed Data" refers to the student's social security number or other unique identifier and certain demographic information such as age, gender, ethnicity, etc. Performance outcomes are calculated by matching the social security numbers against the State's Unemployment Insurance Wage Records to obtain information on employment status and earnings for students who participated in a particular program.

rate, six-month retention and credential rate measures required by WIA. However, these outcomes will not be used in determining the subsequent eligibility of programs to remain on the ETPL during the first determination period.

Outcomes for the “all student” completion and entered employment rate measures will be derived from existing performance reporting systems that are currently in place for Adult Education programs, Regional Occupational Programs and Postsecondary vocational and technical programs funded by the Carl D. Perkins Act. These programs are administered by the Chancellor’s Office of California Community Colleges and the California Department of Education. These agencies report performance outcomes for their respective programs to the U.S. Department of Education on an annual basis. The operational definitions, computations and measurement periods that are currently used to compile and report these outcomes will be adopted for the purpose of determining the subsequent eligibility of these programs on the ETPL. The data that Community Colleges currently collect and report to the Chancellor’s Office to satisfy current requirements under the Perkins Act will be used for ETPL purposes. Similarly, the performance data collected by local education agencies to satisfy the Perkins requirements will be used to determine the subsequent eligibility of these programs on the ETPL.

Many of the private training programs on the ETPL are not currently subject to annual performance reporting. The BPPVE only requires “approved” programs to report annual performance outcomes. As such, the private training programs listed on the ETPL will be allowed to self-report the completion and entered employment rate measures for all students in their programs using either the Carl D. Perkins Act definitions, computations and measurement periods or those required by the BPPVE for the “approved” programs.

The level of performance that programs will be required to meet to remain eligible on the ETPL for each measure will be the levels negotiated between the administrative agency and the U.S. Department of Education for the relevant measurement period or the levels prescribed by the BPPVE for its “approved” programs. Private training programs will be required to achieve performance levels that are consistent with the performance measurement system that they elect to use. The operational definitions for all performance measures, the relevant measurement periods and the required levels of performance are specified in the draft directive that will soon be issued.

Local boards may choose to establish performance criteria that are higher or more stringent than the State’s minimum standards. However, programs that operate in multiple jurisdictions and fail to meet the higher standards established by one local board may apply to another local board that uses lower standards to be determined eligible to remain on the statewide list. Once this determination is made, the statute requires that these programs be made available to all clients, even though they may not meet the local performance requirements. The State is seeking a waiver of this provision from the Department of Labor (DOL) that would require all programs that meet the State’s minimum performance levels to remain on the statewide ETPL but would authorize local areas to exclude those programs that fail to meet their higher standards through their local Individual Training Account process. We are hoping to receive a response from DOL before the final policy directive is issued.

### Subsequent Eligibility Application Process

Providers may apply to any local board where they operate programs. If programs operate in multiple areas, providers are only required to apply to one local board to have their program determined subsequently eligible to remain on the ETPL. Local boards may enter into agreements to have one local board act on their behalf in determining the subsequent eligibility of programs that operate within their jurisdiction.

Applications must be submitted to local boards for each program that requires a subsequent eligibility determination. Applications must include completion and entered employment rate outcomes for all students in each program requiring a determination. The draft directive includes a standard Subsequent Eligibility Application form that local areas may use to collect the required information. Subsequent eligibility application screens will also be created in the Job Training Automation (JTA) system for use by local areas in reporting their determinations to the State.

### State Application Process for Community College Programs

Because the Chancellor's Office of California Community Colleges maintains a centralized database for programs offered by the local colleges, a State application process has been developed to streamline the application process for both initial and subsequent eligibility. Local areas will have the option of requesting the use of these procedures for community college programs. Upon request of a local area, WID will coordinate with the Chancellor's Office to obtain many of the data elements that are required to include a program on the ETPL initially and/or to obtain the performance data required to determine the subsequent eligibility of programs to remain eligible on the list. Procedures for requesting this process and special application forms will be issued in the draft directive.

The ETPL draft directive will be available for public review and comment within the next week. In the interim, we hope that this information will assist local areas in responding to inquiries from providers and other interested partners regarding subsequent eligibility requirements and procedures. Questions concerning the draft directive should be addressed to Margaret Kirsh, Performance Management Unit at (916) 653-1516. Technical questions pertaining to the use of the JTA system should be directed to the Automated Customer Support Unit at (916) 653-0202. Questions regarding the ETPL policy should be directed to Deb Cusimano, California Workforce Investment Board, at (916) 324-3045.

/S/ BILL BURKE  
Chief